

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Mangiardi et al. Confirmation No. 9014
Appl. No.: 10/718,217 Group Art Unit: 3734
Filed: November 20, 2003 Examiner: Truong, Kevin Thao
For: DIFFERENTIAL COVERING AND COATING METHODS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW HOLDING OF ABANDONMENT
IN ACCORDANCE WITH MPEP §711.03(c) AND 1156 O.G. 53**

Sir:

As set forth in MPEP § 711.03(c) and 1156 O.G. 53, Applicants hereby petition to have the holding of abandonment of the above-identified application withdrawn. The application was held to be abandoned for failure to respond to an Office Action mailed January 4, 2007. The following materials are submitted in support of Applicants' petition:

1. a copy of a Power of Attorney, Statement Under 37 CFR 3.73(b), and Change of Correspondence Address filed on March 3, 2005, by which the assignee of the present application appointed the undersigned attorneys (hereafter referred to as "we" and "us") to represent Applicants in the prosecution of the above-identified application and in which the United States Patent and Trademark Office was instructed to address all future correspondence to us;
2. a copy of our return postcard from the United States Patent and Trademark Office showing that the Patent Office received the Power of Attorney, Statement Under 37 CFR 3.73(b), and Change of Correspondence Address;
3. a copy of the outside front cover of the file jacket maintained by us for the above-identified application; and
4. a copy of our Docket Control Sheet for the application.

The undersigned attorney for Applicants has made a search of the file jacket and docket records associated with the above-identified application, and that search indicates that the Office Action mailed January 4, 2007 was not received by us. Our regular routine followed in all applications prosecuted in the United States Patent and Trademark Office is to enter Office

Actions received from the Patent Office on the front outside cover of the file jacket, as well as on a separate Docket Control Sheet, when the Office Actions are received. The copy of the front outside cover of the file jacket in the above-identified application and the copy of the Docket Control Sheet both show that the Office Action of January 4, 2007 was not entered, thus indicating that the Office Action was not received.

Since no action in the application had been forthcoming from the United States Patent and Trademark Office for a longer period of time than would ordinarily be anticipated, we logged into the United States Patent and Trademark Office Patent Application Information Retrieval (PAIR) system in order to ascertain the status of the application. Consequently, we noticed that the status of the application was listed as "abandoned" and obtained copies of the Notice of Abandonment (mailed July 24, 2007) and the Office Action (mailed January 4, 2007), both of which were mailed to the incorrect address, i.e., not the address given in the above-noted Power of Attorney or Change of Correspondence Address.

In view of the foregoing remarks and the enclosed evidence indicating that the Office Action was not received, Applicants respectfully request that the instant petition be granted and that the holding of abandonment of the application be withdrawn.

It is believed that the present petition is treated as a petition under 37 C.F.R. 1.181, and that no fee is applicable. However, if any fee is due, please charge the fee to our deposit account No. 16-0605.

Respectfully submitted,



Trent A. Kirk
Registration No. 54,223

CUSTOMER NO. 00826
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POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:

- Practitioners associated with the Customer Number: 000037305
- OR*
- Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) and are authorized to act on behalf of the Assignee in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Assignee Name and Address:

Alveolus Inc.
401 North Tryon Street, 10th Floor
Charlotte, NC 28202

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name Tony D. Alexander

Signature

Date 2 February 2005

Title EVP, Chief Corporate Counsel & Corporate Secretary

Telephone (704) 998-6011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:
Appl No.:
Filed:
For:

Mangiardi
10/718,217
11/20/2003
DIFFERENTIAL COVERING AND COATING METHODS

STATEMENT UNDER 37 CFR 3.73(b)

Alveolus, Inc. is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of an undivided part interest

in the patent identified above by virtue of:

- A. An assignment from the inventor(s) of the patent application/patent identified above. A copy of said assignment that is being recorded separately is attached hereto.
- B. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 014707, Frame 0233.
- C. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: To:
The document was recorded in the Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.
2. From: To:
The document was recorded in the Patent and Trademark Office at
Reel , Frame , or for which a copy thereof is attached.

- Additional documents in the chain of title are listed on a supplemental sheet.
 Copies of assignments or other documents in the chain of title are attached.

The undersigned is empowered to sign this statement on behalf of the assignee.

2/26/05
Date



Gregory J. Carlin, Registration No. 45,607



(Revised 5/2001)

CHANGE OF
CORRESPONDENCE ADDRESS
Application

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/718,217
Filing Date	11/20/2003
First Named Inventor	Mangiardi
Art Unit	3731
Examiner Name	N/A
Attorney Docket Number	047956/288215

Please change the Corresponding Address for the above-identified application

to:

 Customer Number 000037305

Type Customer Number here

Place Customer
Number Bar Code
Label here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Gregory J. Carlin			
Address	ALSTON & BIRD LLP			
Address	101 South Tryon Street, Suite 4000			
City	Charlotte	NC	ZIP	28280-4000
Country	USA			
Telephone	704-444-1000	Fax	704-444-1111	

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- Applicant/Inventor.
- Assignee of record of the entire interest. Certificate under 37 CFR 3.73(b) is enclosed.
- Attorney or agent of record.
- Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number

Typed or Printed Name	Gregory J. Carlin Reg. No. 45,607
Signature	<i>Greg J. L.</i>
Date	<i>2/26/05</i>

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Date Mailed: 02/28/05
Atty. Dkt. No. 047956/288215

Application No. 10/718,217; Filing Date 11/20/2003
Inventor(s): Mangiardi; Title of Invention: DIFFERENTIAL COVERING AND
COATING METHODS
Documents Enclosed: Change of Correspondence Address; Power of Attorney;
Statement Under 37 CFR 3.73(b); Supplemental Information Disclosure
Statement; PTO 1449 - 11 sheets; 25 foreign references

Check Enclosed N/A
Kindly acknowledge receipt by placing office stamp hereon and returning
postcard to: GCarlin/LRone - Alston & Bird LLP

CLIENT Alveolus, Inc

CLIENT REF. NO. 000100 0038

SMALL ENTITY: YES NO WITHDRAWN _____ A&B CLIENT/MATTER 047956-288-215
PRIORITY RIGHTS: CIP of 10/288,615 fra 11-502

INVENTOR(S) Eric K. Mangiardi; Jason M. Reynolds; Ulf R. Berg;
APPLICATION NO. 10/718,217 FILED 11-20-03 Tony D. Alexander
TITLE Differential Covering And Coating Methods

ASSIGNEE Alveolus Inc.

ASSIGNMENT RECORDED 6-8-04 REEL 014707 FRAME 0233
PUBLICATION NO. YS-2004-0127974 A1 PUBLICATION DATE 07-01-04

ALLOWED _____ **FINAL FEE PAID** _____

PATENT NO. _____ DATE _____

ABANDONED

288215 9/21

PATENT DOCKET CONTROL SHEET

CLIENT NAME:	Alveolus, Inc.		FILE NO.:	047956
DATE OPENED:	02/02/05	ATTORNEY(S):	COOPJ/ CARLG KIRK T	
RELATED MATTER:	FOREIGN PRIORITY COUNTRY:		FOREIGN PRIORITY DATE:	
MATTER TITLE: Differential Covering and Coating Methods				
INVENTOR(S): Eric K. Mangiardi; Jason M. Reynolds; Ulf R. Borg; Tony D. Alexander				
ASSIGNEE:	Alveolus, Inc.			
RECORDATION DATE:	6/8/04	REEL:	014707	FRAME: 0233
REMARKS: CIP of 10/288,615 filed 11/5/02 (Takemoto file -)				
SEARCH INFORMATION				
SEARCH AUTHORIZED (DATE):				
SEARCH INSTITUTED (DATE):				
SEARCH COMPLETED (DATE):				
REPORTED TO CLIENT (DATE):				
FAVORABLE:	<input type="checkbox"/> YES	<input type="checkbox"/> NO		
IF UNFAVORABLE:	<input type="checkbox"/> REMOVE	<input type="checkbox"/> RETAIN		
CLIENT FOLLOW-UP (DATE): Not 1st Pat. US 2004-0127974-A1 Not 2nd 7-1-04				
APPLICATION PREPARATION INFORMATION				
APPLN. AUTHORIZED (DATE):				
DRAWINGS REQUIRED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
TO BE FILED (DATE):				
APPLN. TO CLIENT (DATE):				
QC COMPLETED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
APPLICATION TO PTO (DATE): 11/20/03				
PRIOR ART FILED (DATE):				
SMALL ENTITY: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
PROSECUTION INFORMATION				
SERIAL NO:	107718,217		FILING DATE:	11/26/03
FOREIGN FILING AUTHORIZED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO	FOREIGN DEPT. NOTIFIED:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
FURTHER FOREIGN CALL-UPS NEEDED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO	Small Entity	
OFFICIAL ACTION		RESPONSE DUE DATE	RESPONSE FILED	
Notice to File 2/19/04		4/19/04	Response to Not.; Dec to PTO 3/1/04 Assignment to PTO via fax 6/8/04 Stmt Under 37CFR 3.73(b), POA; Change of Corr. Address; Supp IDS, 1449s+ refs. To PTO 2/28/05 Supp IDS w/ Int'l Search Report to PTO 6/24/05 IDS 5/03/04 + 513	
DATE OF ALLOWANCE:		ISSUE FEE DUE (DATE):	ISSUE FEE PAID DATE:	
FORMAL DWGS. DUE:		DRAWINGS FILED:	ABANDONED (DATE):	
PATENT NUMBER:		ISSUE DATE:	PAT. SENT CLIENT (DATE):	
MAINTENANCE FEES DOCKETED (DATE):				